Department of Rowers

OFFICE of the Commissioner

STATION Perth

R Hall

No. 1149

Dated 16-8-24

	Date	Initial.
Given for copying	P	
Copied	11 AM	
Examined		
Signed	16/8	
Given for despatch		
Despatched		
Indexed	18 AUG 1924	
To be destroyed on		

Pages in the file

(SUBJECT.)

1/4811

A. B. & A. R.

Received here at ... 7-AUG1924 ... 6 AUG ... P.D.

Ste

Exchange Dr ...

Mangalore town Today Shops Jethal

Rs 14364 : Bar ... Less than

... Bank Man

... Sundays By Collecta

request if Consignment Remitted

accorded under Clause 10 Sale Notifi

if not please wire Collector with Rail

on Firm Letter Like Sending Order

45.2.05

This form must accompany any inquiry respecting this Telegram.

= cost Comm ...

Lal Chand & Sons—498—18-5-21—150,000 Bks. (Edn. IV).

Received 9-AUG1924 Registered

From (Name) W. A. Brie Esquire,

(Designation) Assistant Commissioner of Excise,

4919 BKARI

Post Box ....., (Station) West-Coast-Division, Cannanore.

-Telegraphic Address.

To The Secretary to the Commissioner of Excise,

M A D R A S.

B.P.C.R. *No.* 1042/24 *dated* 6-8-1924. /166

Sir,

Toddy shops - Mangalore auction sales - adversely affected - on account of new restriction of sales on sundays - report submitted.

The Inspector Mangalore Circle attended the auction sales of toddy shops of Mangalore Taluk, held at Mangalore by the Revenue Divisional Officer, on 2-8-24. He reports that the Collector of South Kanara has inserted a new restriction in the m.m notification. which was announced at the time of sales, restricting the hours of sales in the case of Mangalore town toddy shops on sundays only from 11 A.M. to 4 P.M. This restriction adversely affected the sale of the town shops as they fetched Rs.17,364 per annum less than last year. This new restriction will operate as a great hardship on toddy renters as toddy unlike arrack will not keep and it is on sundays between 4 and 8 P.M. they usually sell the unsold balance of week days. If this restriction is introduced there will be large quantities of toddy left unsold which may have to be destroyed. It is likely that these stocks may be utilized for illicit distillations of arrack and in any case toddy will be brought into the town from outside shops and sold surreptitiously. The Inspector Mangalore reports that a renter protested against this new restriction at the time of auction sale but it was of no use. In B.P.C.R.No.322 Abkari '23 dated 2-7-23 the Board agreed with the Collector of South Kanara in considering that the existing restrictions inthe case of arrack shops need not be extended to the toddy shops in the locality. The Collector was also requested to raise the question of the removal of the existi

existing restrictions on arrack shops in the next arrack proposals.

2. According to condition 10(b) of the conditions applicable to all Abkari and opium licenses, published in the Commissioner's sale notification received here subsequent to the auction sale, it is stated that such restrictions can be imposed only with the previous sanction of the Commissioner but no such sanction appears to have been granted in his C.R.No.732 Abkari '24 dated 5-6-24 passing orders on the toddy proposals for 1924-25 If the Collector has imposed the restriction on the discretion vested in him in the 2nd sentence of the condition referred to above, I beg to state that it will operate as a hardship for the reasons stated above. If the Commissioner has not accorded sanction for the imposition of this new restriction, I request that the Collector of South Kanara may be instructed to recall the shops after removing the restriction

3. I have this day sent the following telegram to you. "Mangalore Town today shops fetched Rs.17,364 per annum less than last year at auction sale due new restriction sales sundays by Collector. Request if Commissioner's sanction accorded under clause 10 sale notification. If not please wire Collector to withhold confirmation sales pending orders."

4

(F. 16—63,528—20-11-19 (6)

OFFICE NOTE

SUBJECT Mangalore Town - Toddy Shops - Sale 1924-25 ~~in anct~~ - Fall in rentals.

From A.P. W. Coast.

Register No.

1/10/1

The following telegram has been received from A. West Coast.

Mangalore Town toddy shops fetched Rs 17,364 per annum less than last year at auction sale due new restriction Sales Sundays by Collector request & Commissioners sanction accorded under clause 10 Sale notification if not please wire Collector withholds Confirmation Sales pending orders.

The rentals of the Mangalore Town toddy shops for the last 4 years are given below

	No. of shops	Rs
1920-21	7	40,140
1921-22	7	18,660
1922-23	7	55,620
1923-24	7	64,980.
1924-25		47,616 (according to a-c's report).

5

Reference is solicited to Condn 10(b) of the General Conditions applicable to all abkari and opium licenses.

"Discretion is allowed to Collectors to order the closure of specified shops in the neighbourhood of factories, mills ~~etc~~ at all hours on Sundays except between 11-30 am and 4 pm In his arack proposals for 1924-25 the Collector reported that the sales in the arack shops were restricted on Sundays from 11-30 am to 4 pm and recommended the continuance of the restriction for the arack lease 1924-25. He also said that he would submit similar proposals for the toddy shops for the 1924-25 lease The Board permitted him that it was left to the discretion of the Collector to order the closure of the arack shops in the Mangalore Town on Sundays at all hours except between 11-30 am and 4 pm Mangalore Town has several tile factories, coffee curing yards and other places where large numbers of operatives assemble and the Collector has, under clause 10(b) of the Genl Conds the power to impose the restriction which he has done further the restrictions now exist in the case of arack

(1)

(2)

Did he do so? If so. What orders were passed? Why are the orders a little toddy pro. (2) places not fit for ? up?

HPL
DS

Sheppo The only ground the A.C. urges in his telegram why the sale should not be confirmed is that the rentals have fallen. This cannot be taken as a sufficient cause. The Collector has discretion in the matter the Board pointed out in the case of Arack Sheppo that he need not come to Ct in the matter and he has used his discretion. Under the circumstances, there appear no grounds to cancel the restriction The rentals will right themselves in coming years. The A.C. may be told that the Government does not propose to interfere in the matter

Sd
7-8-24

9/8/24

(1) As discretion has been given, we can't interfere, but before order issue, reply to any question in the Enquiry

2) The discretion ought not to have been given to Coll? When & why was this done?

Reply to (1) first The ff re (2) can be put up later.

Sd
8/8

Ref: C's question on p2 ante

The Coll[r] of S. Kanara did not mention any thing about imposing the

restrictions in toddy shops – BP 82-84 of BP No 877R abk Dt 12-7-24. The reason is that in regard to the arack shops, the Board said that it was left to his discretion to order the close of arack shops in the Mangalore Town on Sundays at all hours except between 11-30 a and 4 P.M. The Collector, probably, presumes that this ruling will apply to the case of toddy shops also.

9/8/24

SM
9-8-24

Since the above was written up a detailed report has been received from the a.c. in which he points out that the imposition of the restrictions is likely to lead to malpractices

He points out that last year the Board agreed with the Coll^r in considering that the restrictions on toddy shops need not be imposed. But subsequently, it was pointed out to him in another connection that the imposition of the Sunday restriction is a matter in the Collectors discretion.

In view of the detailed explanation of the a.c. it is for orders if the sales held may be cancelled so far as Mangalore Town is concerned. Even if the Collector has confirmed the sale, the Commissioner

5 C

(T) p2

Case under rule TX of the conditions of Auction sale refuse to accept the bid.

For order

SLa

9-8-24

I doubt if it would be politic to interfere now. The fall in rentals is not great on the average

9/8/24

Offrs. Stamp Duties

18/8/24

It shd. be pointed out that the circumstances of today's sellers are different from those of around us the A.C. has emphasised

The discretion has been given to the Coll. actions and steps Board Reply accordingly & take up at once the question (2) in my former note. The discretion should never have been given & the rules shd. be modified next time. Put up all Offrs. Stamps.

Draft to me please.

11. 8. 24

DRAFT FOR APPROVAL.

Enclosures.

Despatch No.

When given to fair-copying.

Fair-copied by

Fair copy compared by

When despatched.

Office.

Register No. 4811/24 dat

From The AE, West Coast

1) Telegram
2) Letter R.C.R 1042/24 d 6

Subject.

...angalore Town - Toddy sho
restriction on the hours of sa
on Sundays - fall in rentals

To

The

Reg

The AE West Coast Di
reports that the Collr of
S. Kanara ~~has~~ notified, under Con
10(b) of the General Sale Con
~~Notified~~ that during the
year 1924-25 the toddy sh
in Mangalore Town shoul
be closed at all hours o
Sundays except between
and 6 PM, and that in Cana

ending Mon ~~at the Docks held~~
~~in 2 & 3~~. The AC recommends
that the restriction imposed by
the Collr may be removed and
the Ships work. ~~The Commrs~~
However Collectors Hall under
the Collr has enforced the restriction
under the discretionary power
vested in him under Condn 10(b)
of the Import Sale Condns, his
action ~~must stand~~ ~~At the~~
~~same time, he quite agrees~~
~~with the AC in considering the~~
~~this restriction will operate~~
as a great hardship on the trade
(Consumers) dealers & trade in like articles,
will not keep and ~~as~~ dealers ~~forced by the restriction~~ to destroy
may ~~will~~ be put to the necessity
~~of destroying~~ large quantities of food,
~~it~~ if the hours of sale are
restricted especially on Sundays.

SLH
31/8/24 12&24

13/8/24 1 Ans
14/8/24

Do
The AC, West Coast
Collr of S. Manor
HT

14 AUG 1924

4

O.F. 16—5,84,969—17-12-21.(6)

OFFICE NOTE.

SUBJECT Shops in the vicinity of factories etc restrictions on hours of sale - Colls discretion

From

Register No.

Rp Ce cs remarks on f 64 & (N)

The discretion to restrict the hours of sale in liquor shops in the vicinity of factories, mines etc has been given to C from 1st April 1916. The circumstances under which this was done were as under The Bd came to know from reports of the working of the Central Control (Liquor) Bd in England that drunkenness was largely decreased by the measures adopted among which were large reductions in number of shops and the closure of the shops in manufacturing Centres on the days on which wages were paid. With a view to introduce a similar policy in this Pro the Bd invited the opinion of the managers

ne of the leading Trade Unions who recommend
Closure of all Shops within 3 furlongs
the Docks and as regards the hours of trade
estrictions on the following lines :- (1) Liquor
ps should not open before 7.30 AM on week
ys, (2) they should be closed daily on week
ys from 11.30 AM to 1.30 PM, (3) they sho
en on Sundays only from 11.30 AM to 4 P.
) On other days they should be closed at
PM. Colls were requested to offer their
emarks on the advisability of accepting
e proposals. Their reports are contained
-H 196-26) (S). The majority of the Coll
orted that the proposal was not applicab
their districts. Some Colls who have
ge populations in their Dts reported that
ere were no shops within 3 furlongs of
ctories, and the rest were generally in
vour of the restrictions proposed. In
ew of the 13 objections, the Bd therefore
ggested that it proposed to
fuse Colls' application to enforce the restric
means of a special Council to be interpo
pose the sanctions hereto held. This was
pproved by Govt. A new Council was therefo
erted in the annual rate notice for
18-19. and this revised Council was approved

p26(E)
p13(M)

in Lo No 46 Rev dy 31-1-18 and was also embodied in the Lodhz sale Rules for 1918 Year

Prior to May 1923 (1) Collectors were authorized to notify at the time of auction Sales that specified Shops will be closed on the occasion of specified festivals, and that the hours of Sale at specified Shops which are situated within a mile of a market or Shandy will be limited on market days generally &c and (2) discretion was allowed to Collectors to order the closure of specified Shops in the neighbourhood of mills, factories and other places where large number of operatives assemble on week days from 11-30 am to 1-30 p.m, on the afternoon of pay days and at all hours on Sundays except between 11-30 am and 4 p.m

In 1923, it was observed that Collectors were not using the powers under (1) above with proper discretion and the Board directed that its sanction should be obtained to the imposition of any restrictions in regard to the hours of sale of liquor in shops on the occasion of fairs markets or festivals before such restrictions are announced in the Sale notification and the clause 10(b)

of the general conditions applicable to all
abkaree and Opium licenses was suitably
altered. There were no cases brought
to the notice of the Board that (2) above
was abussed and the discretion vested
in the Collectors still continues to
view of the present case, it is for
orders if it may be laid down that
to notify the
Closure of shops in the mill areas
at specified hours also, the previous
sanction of the Commissioner should
be obtained

SW
5.9.24

Jague. Collectors should order
in future close shops during specified
hours subject to the permission
of the Commr. this should be
on their merits, liberty to propose

Note continued:

Reference C's. remarks above.

The important changes introduced in and after 1918 and 1919 are shown below:---

1. Opening and closure of shops in any local area. It was ordered in B.P. 17 Press of 18 that no new shops should be opened or shops that have been closed for a year or more reopened or more than 5% of the shops in any local area - closed in any one year without the sanction of the Board - Please see in this connection paras 8 and 9 on page 495 of B.P.17 Press of 18. These orders were subsequently modified in 1919 and it was laid down that the Collectors need not apply for ~~both~~ B's sanction to re-open shops closed temporarily in the previous lease.- vide para 6 on page 156 and para 2 on page 211 of B.P.93 Abk of 19. The expression Local area' referred to above means a Municipality and Taluk in the case of toddy and arrack shops and a district in the case of ganja and opium shops. Under these orders Collectors have been invariably applying for the Commissioner's sanction for opening new shops.

Occasional licenses:--Prior to 1918 the power of granting occasional licenses during fairs and festivals was vested ~~with~~ in the divisional Officers. The policy has always been to restrict the grant of such licences as far as possible and in 1918 the power given to the R.D.Os. was withdrawn as it was found that such licenses

were not always granted with discretion in the past and was reserved to Collectors.- vide Para 10 page 495 and para 4 ~~p~~ (4) page 501 of B.P.17 Press of 18 Reference is also solicited to condition 42 of the general sale conditions flagged 'T' The number of such licenses issued in the last 4 years ~~are~~ is given below:--

1920-21	.... 4.
1921-22	.... 1.
1922-23	.... 1.
1923-24	.... 1.

3. Working hours in shops:-- Prior to 1918 the opening hour in the case of arrack shops, foreign liquor taverns and beer shops was 9.30 ~~xx~~ a.m. in Madras and 9 a.m. elsewhere and the closing hour was 9 p.m. except in Ooty where it was 8 p.m. With ~~xxxixxx~~ a view mainly to prevent the labourers getting ~~kmx~~ drunk before they went to work and to check the tendency to 'soak' at night, it was ordered that the hours of sale in arrack foreign liquor and beer shops should be from 9.30 a.m. to 8 p.m. throughout the Presidency and special discretion was given to Collectors to reduce these hours further in industrial areas. Extension of the hours of sale in arrack shops which was in vogue prior to 1918 was also absolutely prohibited. The closing hour in the case of toddy shops was also fixed at 8 p.m. Reference is solicited to conditions 9 and 10(a) on page 3 of 'T'

In 1923 the question as to whether any change should be made in the working hours in shops was gone into, but it was decided that no change should be made as the majority of the Collectors were opposed to it. In Madras, however, the E.L.B.

suggested

suggested that the opening hour of arrack shops and F.L. taverns should be fixed at 11 a.m. and that the closing hour of arrack and toddy shops and F.L. taverns should be 7 p.m. But the Board was not in favour of restricting the hours of sale in Madras and recommended to Government that the closing hour may be fixed at 9 p.m. This was vetoed by Government - vide G.O.No.61 Revenue dated 16-1-23 on page 113 of flag 'J' Petitions were received from Madras renters complaining about the early closing hour (8 p.m.) but no change has so far been made as Government is against it. Government have now forwarded for the Commissioner's remarks a copy of the suggestions made by the Rev. D.G.M. Leith with a view to reduce the consumption of liquor. One of the suggestions of Rev Leith is "hours of sale may be reduced, no shop being allowed to be kept open especially in the mornings; sales after prescribed hours may be made criminal and punished not with fine alone but with rigorous imprisonment; Police may be instructed to look to the effective closure of shops at the prescribed time." This is being examined separately and a note will be submitted on return of this file back.

GP

Restriction in the hours of sale in the Shop neighbourhood of factories, mills etc. This point has already been dealt with on pages 1-4 supra.

5. Closure of shops during fairs and festivals:-- Prior to 1918, shops in the vicinity of which fairs and festivals were held were closed temporarily only in times of religious excitement

or

or disturbance. In 1918 the question as to whether it would not be well to make a regular practice of closing liquor shops during important festivals and on market days was gone into and it was considered desirable that the closure of shops during festivals should be notified at the time of auctions Experiments were conducted in three districts and in 1919 the Board authorized the Collectors to notify at the time of the auctions that specified shops would be closed on the occasion of specified festivals and that the hours of sale at any shop within a mile of a market or shandy - would be limited on market days generally or would be liable to limitation on such occasions during the currency of the lease if it was found that the shops promoted drunkenness. In 1923, however it was found that the Collectors had not always used their discretion in this matter properly and from 1-10-23 this power was withdrawn from the Collector It was decided that the sanction of the Commissioner should be obtained to the imposition of any restrictions on the hours of sales in shops during fairs, festivals or market days before such restrictions are announced in the sale notification. Reference is in this connection solicited to condition 10(b) on page 3 of 'T'

In this connection it is submitted that another suggestion of Rev Leith, now referred to Commissioner for remarks is that liquor shops should be closed on sundays with a view to break the habit of those who drink daily. This question is being examined separately

6. Reduction in the issue strength of arrack

From 1-4-18 the issue strength of arrack was reduced from 30° U.P. to 35° U.P. No further reduction has been made so far. With a view to induce people to take to a weaker liquor, shops for the exclusive sale of 60° U-P. liquor were ordered to be opened as an experiment. The experiment was tried in 8 districts in 1918-19 and extended to 11 more districts from 1-4-19. In 1921 it was found that this liquor was not popular and that the experiment had failed in its main objects of inducing people to take to a weak liquor. The experiment was therefore discontinued and no shops were sold for the exclusive sale of 60° U.P. liquor from 1-4-21.

The present issue strength is 35° U.P. generally and 40° U.P. in the low duty area round Pondicherry and in the Attapadi valley and 60° U.P. in the Agency Tracts.

7. In B.P. 17 Prass of 18, the employment of women other than members of a renter's family as sellers in abkari and opium shops was prohibited except under special sanction of the Collector. Plea see also condition 13 on page 3 of flag 'T'

8. Age limit:--In 1918 the age below which ns. may not be supplied with liquor - and as a Corollary ~~orfollary~~, the age below which they may not sell or ransport liquor - was raised from 16 to 18. Please ee conditions 14 and 15 on pages 3 and 4 of 'T'. A suggestion of Mr. Veerian, M.L.C., to raise the age limit from 18 to 30 has been referred to Commissioner by Government and is being examined

Under condition 15 of the sale conditions no liquor or intoxicating drugs should be sold or given to a child or young person under 18 years of age. It has been observed that this clause is regarded as debarring the shop-keeper only from selling or giving liquor to children and that children are commonly given liquor in the shops by their parents or relatives. With view to make the renter responsible for seeing that no liquor is given on the premises by any person to any child or young person under 18 years of age it was suggested to Government that experiments may be made in certain selected areas on two lines namely:- (1) making the shop keeper responsible for seeing that no toddy is given to a child or young person under 18 years on the premises and (2) prohibiting the entry of a child or young person into the shop premises. The final orders of Government have not yet been received on the matter The Said they would Consider the matter Separately.

9. Practical prohibition of arrack in areas where toddy is the prevailing drink:---- Expériments were made in 1919 towards practical prohibition of arrack in certain areas in the districts of Tanjore, Ramnad and Tinnevelly- vide para 4 page 238 of B.P.93 Abkari of 19. They were continued in the same areas (and in Sal district also) during the years 1920-21 to 1923-2 In 1923 Government wanted that the experiment should be extended to other areas in the Presidency - vide G.O.81 Rev. dated 16-1-23 on page 113 of B.P.53 abkari of 23 flag 'J' The subject was fully gone into and it was observed that in the areas where the trial was made it

was

was only partial and it was decided that all arrack shops in Shiyali and Tirutturaipundi taluks of the Tanjore district and in the Tiruvadani taluk of the Ramnad district, in the Tenkasi taluk of the Tinnevelly district and in the Attur taluk of the Salem district should be closed for a period of 3 years from 1-4-24. With a view to try the experiment under the most favourable conditions the limit of private possession and transport of arrack has been reduced from 8 to 4 drams, in the experimental areas. A report in the working of this experiment will be called for from the Collectors concerned in the arrack proposals for 25-26.

10. Minimum selling price of toddy:-- Prior to 1920 a minimum selling price of 4 annas per gallon was fixed in the case of toddy. But as most of the local officers reported that it would not be enforced, it was abolished from ~~1922~~ 1-10-20. The effect of the abolition ~~of~~ was recently considered. All officers reported that the abolition had no effect ~~and~~ on consumption or rentals and that the selling price was never less than 4 annas. They considered that there was no necessity to fix a minimum selling price - vide pp.148 and 191-192 of B.P.877 ~~of~~ abkari of 24.

11. Reference is solicited to the memorandu of the changes made in the conditions of sale from 1-4-24. A report on these changes will be called for in the arrack proposals for next lease.

12. As atemperance measure ax a special condition has been inserted in all liquor licenses including F.L. licences issued for 1924-25 in the Nilgiris, to the effect that no liquor of any kind is to be issued to any member of the Badaga, Toda Kota, K Irula and Kurumba tribes except on a medica certificate signed by a registerd medical practitioner and that the shop-keeper shall take all reasonable measures to prevent liquor from his shop being passed on to any member of the hill-tribes. To check the smuggling of liquor from outside the Nilgiris district a similar condition has been inserted in the liquor licenses issued in the Gobichettipalaiam, Avanashi and Coimbatore taluks of the Coimbatore district and in the Walluvanad, Erna and Wynad taluks of the Malabar district. The Collectors concerned have been asked to report on the working of this experiment in their arrack proposals for 25-26.

SW
8-10-24

8/10/24